



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-95-13/1-A
Date: 14 December 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Order of: 14 December 2007

PROSECUTOR

v.

**MILE MRKŠIĆ
VESELIN ŠLJIVANČANIN**

PUBLIC

**DECISION ON JOINT DEFENSE MOTION FOR EXTENSION
OF TIME LIMITS ON SUBMISSION OF BRIEFS**

The Office of the Prosecutor:

Ms. Helen Brady

Counsel for the Appellant:

Mr. Miroslav Vasić and Mr. Vladimir Domazet for Mile Mrkšić
Mr. Novak Lukić and Mr. Momčilo Bulatović for Veselin Šljivančanin

I, THEODOR MERON, Judge of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“International Tribunal”) and Pre-Appeal Judge in the present case,

BEING SEIZED of the appeals to the Trial Judgement of 27 September 2007 (“Trial Judgement”);¹

NOTING “Mile Mrkšić’s and Veselin Šljivančanin [*sic*] Joint Defence Motion for Extension of Time in Which to File His [*sic*] Appeal Brief,” filed on 23 November 2007 (“Motion”), in which the Appellants Mile Mrkšić and Veselin Šljivančanin (“Appellants”) request that the 75-day time limit for submission of their Appeal Briefs not begin until the Appellants have received the official Bosnian/Croatian/Serbian translation of the Trial Judgement (“Translation”) and that the 40-day time limit for submission of their responses to the Prosecution’s Appeal Brief begin to run immediately after submission of the Appellants’ Appeal Briefs;²

NOTING the “Prosecution’s Response to Joint Motion for Extension of Time in Which to File Mrkšić’s and Šljivančanin’s Appeal Briefs,” filed on 29 November 2007 (“Response”), in which the Prosecution agrees that an extension is appropriate but urges a shorter extension;

CONSIDERING that Rule 111 of the Rules of Procedure and Evidence (“Rules”) provides that “[a]n Appellant’s brief setting out all the arguments and authorities shall be filed within seventy-five days of filing of the notice of appeal pursuant to Rule 108” and that Rule 112 of the Rules provides that “[a] Respondent’s brief of argument and authorities shall be [filed] within forty days of filing of the Appellant’s brief”;

NOTING that the Prosecution has suggested an alternative timetable whereby the Appellants’ Appeal Briefs would be due 40 days after the Appellants have received the Translation and whereby the Appellants’ Responses to the Prosecution’s Appeal Brief would be due 20 days after their receipt of the Translation;³

¹ “Prosecution’s Notice of Appeal,” filed 29 October 2007; “Mr. Mile Mrkšić’s Defence Notice of Appeal and Request for Leave to Exceed the Word Limit,” filed on 29 October 2007; and “Notice of Appeal from the Judgment of 27 September 2007 by the Defence of Veselin Šljivančanin,” filed on 29 October 2007.

² Motion, pp. 3-4.

³ Response, paras 7, 9.

NOTING further that the Prosecution argues that “there is no unfairness in the timetables for filing the Appeal and Response Briefs running simultaneously”;⁴

CONSIDERING that the Translation likely will not be available until the end of March 2008⁵ and that the Appellants’ counsel will thus have more than adequate time to draft briefs;

RECALLING that Rule 127(A) and (B) of the Rules provides, *inter alia*, that “on good cause being shown by motion,” any time prescribed by the Rules may be enlarged;

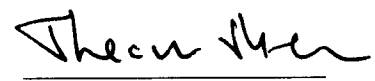
CONSIDERING that while counsel for the Appellants can and should already be working on the briefs, it is in the interests of justice to afford the Appellants adequate time to read the Trial Judgement in a language that they understand and to consult with counsel before filing their briefs and that this constitutes good cause within the meaning of Rule 127 of the Rules;⁶

CONSIDERING that the Prosecution’s proposed timetables, even if they run concurrently, will provide the Appellants with an adequate opportunity to read the Translation and then assist their counsel in making any necessary changes to the submissions;

HEREBY GRANT the Motion in part and **ORDER** that the Appellants’ Appeal Briefs shall be submitted no more than 40 days following the Appellants’ receipt of the Translation and that the Appellants’ Responses to the Prosecution’s Appeal Brief shall be submitted no more than 20 days following receipt of the Translation.

Done in English and French, the English version being authoritative.

Done this 14th day of December 2007,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the International Tribunal]

⁴ Response, para. 11.

⁵ See Response, para. 2.

⁶ *Prosecutor v. Martić*, Case No. IT-95-11-A, Decision on Motion for Extension of Time and Enlargement of Word Limit, 21 September 2007, para. 6; *Prosecutor v. Strugar*, Case No. IT-01-42-A, Decision on Defence Request for Extension of Time, 9 May 2005, p. 2; *Prosecutor v. Brdanin*, Case No. IT-99-36-A, Decision on Motions for Extension of Time, 9 December 2004, p. 3.